



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 06/08/06

AGENDA ITEM _____

WORK SESSION ITEM WS#2

TO: Mayor and City Council
Planning Commission

FROM: Director of Community and Economic Development

SUBJECT: South Hayward BART/Mission Boulevard Concept Design Plan and Related Amendments to the General Plan and Zoning Ordinance

RECOMMENDATION:

It is recommended that the City Council and Planning Commission review and comment on this report.

DISCUSSION:

Public hearings scheduled for June 15 before the Planning Commission and June 27 before the City Council will complete an approximately 20-month process associated with development of the South Hayward BART/Mission Boulevard Concept Design Plan. The purpose of this joint work session is to review with the Council and Commission staff's final recommendations for the Concept Design Plan and associated amendments to the General Plan and Zoning Ordinance.

(Copies of the January 12, 2006 Draft Concept Plan and April, 2006 Draft Environmental Impact Report (DEIR) were previously distributed. Council members and Commissioners are asked to bring their copies to the work session.)

Revisions to Concept Design Plan

Reflective of comments received from Council members, Planning Commissioners and the public, staff is recommending the following changes to the recommended land use map shown as Figure 5.2.1 in the DEIR:

1. In response to concerns with potential visual impacts along Mission Boulevard and at the rear of single-family homes on 12th Street, the area on the west side of Mission Boulevard between Calhoun Street and Hancock Street has been changed from "Mission Boulevard Residential" to a lesser density of "High Density Residential."
2. In response to concerns regarding massing of buildings and potential visual impacts along sections of Mission Boulevard, the upper end of the density range for "Mission Boulevard Residential" has been reduced from 75.0 to 55.0 units per net acre, resulting in a density range of 34.8 to 55.0 units per net acre.
3. In response to similar concerns indicated in item 2, the upper end of the density range for "Mixed Use" has been reduced from 75.0 to 55.0 units per net acre, resulting in a density range of 34.8 to 55.0 units per net acre.

4. The frontage lane has been removed from the "Mixed Use" site between Hancock and Webster Streets and from the "Commercial" sites north of Tennyson Road on the east side of Mission Boulevard, resulting in no frontage lanes on the east side of Mission Boulevard, where topography limits areas available for development.
5. To ensure adequate separation would exist between student drop-off areas and Mission Boulevard if Bowman School site is expanded, a frontage lane is now shown along Mission Boulevard at that site, consistent with the text of the Concept Design Plan.

Exhibit A is a map that reflects these revisions. No other major revisions are proposed for the Concept Design Plan, though a revised figure will be provided to reflect the guideline that encourages "stepping down" of buildings associated with future development between Mission Boulevard and 12th Street, which is now recommended as "High Density Residential."

General Plan Amendments

Exhibit B shows changes to the General Plan Land Use designations that reflect the Concept Design Plan recommended land uses, and Exhibit C shows such changes incorporated with existing land use designations. Several properties along Mission Boulevard are shown as changing from *Commercial-High Density Residential* to *High Density Residential*, consistent with the recommendations in the Concept Design Plan. Staff is recommending that all sites designated as "Commercial" in the Concept Design Plan be designated as *Retail and Office Commercial*, with the exception of the Kmart site. That site is currently designated as *General Commercial* in the General Plan and is shown in the Concept Design Plan as potentially being developed with new automobile dealerships. The area where Bowman School is anticipated to be expanded and the community center site at Valle Vista and Mission are shown as *Public and Quasi-Public*, along with the bus transfer area in front of the BART station. The majority of the remaining areas along Mission Boulevard where no changes are proposed and those sites indicated in the Concept Design Plan as "Mixed Use" are shown with a General Plan Land Use designation of *Commercial/High Density Residential*.

Also, changes to Appendix C of the General Plan are recommended, which would primarily entail creation of two new land use categories, to reflect the recommendations in the Concept Design Plan. The recommended descriptions of these two new land use categories are:

Station Area Residential: Residential densities range from 75.0-100.0 dwelling units per net acre. Typical developments include condominiums or apartments over ground-floor neighborhood serving retail uses within multi-story buildings in proximity to the South Hayward BART Station. To facilitate transit-oriented development near the South Hayward BART Station, developments are required to meet minimum densities.

Mission Boulevard Residential: Residential densities range from 34.8-55.0 dwelling units per net acre. Typical developments include condominiums or apartments within multi-story buildings along Mission Boulevard in the vicinity of the South Hayward BART Station. To facilitate transit-oriented development along a major transit corridor, developments are required to meet minimum densities.

Also, minor revisions to the General Plan and Zoning Consistency Matrix (Appendix D in the General Plan) are recommended to reflect recommended new General Plan Land Use and Zoning District categories, as well as to indicate that the *Retail and Office Commercial* General Plan Land Use designation is potentially consistent with the *General Commercial* zoning classification.

Zoning Ordinance Amendments

As is typical with land use implementation of an area-wide plan, the most detailed and involved changes relate to zoning ordinance regulations. Following is a summary of staff's recommendations for changes to the Zoning Map and Zoning Ordinance text, as well as identification of key issues.

Zoning Map

Exhibit D shows recommended changes to the Zoning Map, while Exhibit E shows those changes incorporated with existing zoning designations for properties in the Concept Design Plan area. Many of the recommendations involve changing the zoning designation from a commercial to a residential zoning district (*Mission Boulevard Residential* and *High Density Residential*). Also, for the major commercial areas at the ends of the Plan area (Kmart and the Holiday Bowl sites) and for the major commercial area envisioned to be developed at Tennyson Road along the east side of Mission Boulevard, a *General Commercial* designation is shown, to allow a variety of commercial opportunities that would cater to more than the local neighborhoods. Other commercial areas, including the northwest corner of Valle Vista and Mission and the sites across Mission Boulevard from the Holiday Bowl site, are indicated as *Neighborhood Commercial*, envisioned to serve the local community. Sites that are shown in the Concept Design Plan as "Mixed Use" are indicated with a *Neighborhood Commercial – Residential* designation, which as described later, will require ground-floor commercial uses.

The resulting zoning designations in the Plan area along Mission Boulevard will provide opportunities for high density housing, as well as a variety of commercial uses at key locations.

Station Area Residential Zoning District (SAR)

Exhibit F shows the recommended text for this new zoning district. The properties that are shown with this designation are the BART properties west of Dixon Street (approximately 7.5 of the 9.8 acres are envisioned for development), the BART/Caltrans properties east of Dixon Street (1.5 acres) and the Perry & Key/Caltrans properties (3.3 acres) along Mission Boulevard to the east of Dixon Street. This district is envisioned for high-density residential, with required ground-floor non-residential uses, including neighborhood-serving retail.

Residential units, envisioned to be condominiums with the potential for some apartments, are required at a density range of 75.0 to 100.0 units per net acre above the ground floor and allowed within certain portions of the ground floor. Specifically, no more than half of the gross floor area of the ground floor (excludes parking areas) and no more than half of the ground floor building frontage along Mission Boulevard, Dixon Street and the bus transfer area can be comprised of residential units. Non-residential uses indicated as allowed on the ground floor are those that would be geared toward local residents, including retail uses.

Setback standards reflect those indicated in Chapter 4 of the Concept Design Plan. Also, a maximum 80 foot height limit is recommended, which could accommodate up to a seven-story building. In light of concerns that have been expressed that seven-story buildings may overwhelm the area, a possible response is to establish a height limit in relation to fewer stories. Thus, an option for you to consider is establishing a 60-foot height limit, which could accommodate up to four stories of residential use over ground-floor non-residential use. Staff would recommend against establishing a lower height limit, as it will be at cross-purpose with creating transit-oriented development.

Residential parking ratios would allow a maximum of 1.0 space for each studio or one-bedroom unit and 1.3 spaces for each unit with two or more bedrooms. These parking ratios, where typically 1.5 to 2.1 spaces per unit would be required, furthers the concept of non-reliance on the automobile.

Open space requirements for the *SAR* district require that 100 square feet minimum of private open space per unit be provided, and common open spaces totaling at least 20% of the lot area also be provided. Also, to help facilitate a "sense of place," a requirement is recommended for developments to provide amenities in common open spaces for use by residents. Such amenities could include tot lots with play equipment, picnic shelters with barbeque areas, fitness centers, etc. Although not recommended at this time, the Council may wish to direct staff after adoption of these provisions to analyze the feasibility of requiring public art facilities for new developments in the *SAR* District, related to a certain percentage of building costs or some other criteria.

Mission Boulevard Residential Zoning District (MBR)

Exhibit G shows the recommended text for this new zoning district. Unlike the *SAR* District, the *MBR* District is strictly a residential zoning district, with a required density range of 34.8 to 55.0 units per net acre. Two areas along Mission Boulevard are indicated with such designation: (a) an approximately 2.3 acre area consisting of 16 parcels owned by 9 property owners that backs onto 13th Street located between Monticello and Hancock Streets, which essentially contains two rows of parcels with depths of approximately 90 feet and (b) an approximately 6.3 acre area comprised of seven parcels (all but three of which are owned by the State), generally located between Valle Vista Avenue and Industrial Parkway, where parcel depths are approximately 325 feet.

Setback standards are consistent with those indicated in Chapter 4 of the Concept Design Plan, which reflect provision of a local access lane along Mission Boulevard that would result in a minimum setback of 44 feet from the Mission Boulevard right-of-way. A maximum 55 foot height limit is recommended, which could accommodate up to a five-story building.

Residential parking ratios would allow a maximum of 1.3 spaces for each studio or one-bedroom unit and 1.5 spaces for each unit with two or more bedrooms.

Similar to the *SAR* District provisions, open space requirements for the *MBR* District require that 100 square feet minimum of private open space per unit be provided, along with common spaces totaling at least 15% of the lot area. The decrease in percentage of required common open space compared to the *SAR* District is reflective of the reduced unit density. Also, consistent with recommendations for the *SAR* district, staff is recommending that the common open spaces in the *MBR* district include amenities.

Revisions to Neighborhood Commercial – Residential Zoning District (CN-R)

The *CN-R* District provisions were utilized for the zoning designation for those areas indicated as "Mixed Use" in the Concept Design Plan. Such provisions encourage "a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide housing with ready access to shops and transit." Revisions to those provisions reflect the policies in the Concept Design Plan, including requiring ground-floor non-residential uses and a density range of 34.8 to 55.0 units per net acre. Such revisions, related primarily to "Mixed Use" development standards and criteria, are located within the last two pages of Exhibit H.

The minimum lot area is shown at 20,000 square feet for the "Mixed Use" properties in the Concept Design Plan area (compared to 10,000 square feet for other *CN-R* properties), to facilitate larger projects at key intersections and locations along Mission Boulevard. Also, given the density range is higher than is typical for other *CN-R* properties, a maximum height limit of 60 feet is recommended, allowing for 12 feet of ground-floor non-residential space and 10 feet per floor for residential uses (four stories maximum), along with allowances for roofs. Along with the 55 foot height limit recommended for the *MBR* District, the 60-foot height limit will help create a more unified look along Mission Boulevard in this area. Setback standards are consistent with those for other *CN-R* properties and those indicated in the Concept Design Plan (Chapter 4), which require a minimum 10 foot setback for ground-floor non-residential uses along Mission Boulevard.

Residential parking ratios would allow a maximum of 1.5 spaces for each studio or one-bedroom unit and 2.0 spaces for each unit with two or more bedrooms. A reduction in required parking spaces for non-residential uses is recommended (one space per 315 square feet versus one space for every 200 square feet), consistent with that provided in the Central Parking District.

Consistent with the *MBR* and *SAR* Districts, open space requirements for *CN-R* District properties in the Concept Plan Area require that 100 square feet minimum of private open space per unit be provided, and a minimum 15% of the lot area be provided as common open space, with amenities.

Revisions to General Commercial (CG) and Open Space/Parks and Recreation (OS) Zoning Districts

Minor changes are recommended for the *CG* and *OS* Districts provisions. In the *CG* District, the Kmart site is indicated as allowing for new automobile dealerships as a primary use, consistent with the rest of Hayward Auto Row north of Harder Road. Also, "Commercial Amusement Facility" has been added as an administrative use, reflective of the "Recreational/Entertainment Facility" label indicated in the Concept Design Plan for properties at the southeast corner of Tennyson Road and Mission Boulevard.

In the *OS* District, additional uses are listed as examples for "Special Use Facilities" as conditional uses, to provide greater flexibility to City decision-makers for future uses at the community center site at the southwest corner of Valle Vista Avenue and Mission Boulevard. The revisions would allow opportunity for development of entertainment/recreational facilities envisioned at the southeast corner of Tennyson Road and Mission Boulevard to be developed at the community center site.

Revisions to Off-Street Parking Regulations

Revisions are recommended to the City's parking regulations that incorporate the previously identified recommendations for parking ratios in the various applicable districts (*SAR*, *MBR* and *CN-R*) in the Concept Design Plan area. In summary, the recommendations would allow/require the following:

1. New parking standards for parcels in the *SAR* and *MBR* Zoning Districts, as well as those in the Concept Plan Area that are in the *CN-R* (mixed use) Zoning District.
2. Retail uses in all commercial zones in the Concept Design Plan area, excluding the *CN-R* Zoning District, could be approved for up to a 15% reduction in spaces, provided a public

bus stop and shelter are immediately adjacent to the site and maintained by the retail establishment, per Section 10-2.404(b).

3. Residential uses in the *RH* zone in the Concept Plan area could be approved for up to a 15% reduction in spaces, provided they would be located within 1,000 feet of the BART station.
4. Proposed changes to tandem parking Standards would allow unlimited tandem parking in the *SAR*, *MBR* and *CN-R* Zoning Districts in the Concept Design Plan Area, and would allow up to 35% (or more with certain findings) tandem parking in the *RH* District in the Concept Design Plan area.
5. As indicated in Section 10-2.419, non-residential uses, including retail uses, in the *SAR* and *CN-R* zones in the Concept Design Plan area would be required to provide parking at one space per 315 square feet of gross floor area, similar to the Central Parking District. Neighborhood-serving retail uses are typically required to provide one parking space for every 200 square feet of gross floor area.

South Hayward BART/Mission Boulevard Special Design District (SD-6)

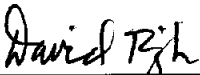
A new special design district is proposed, encompassing the area of the Concept Design Plan and incorporating the land uses, densities, design guidelines (including building setbacks) and circulation improvements reflected in Chapters 3 through 5 of the Plan, as well as the parking ratios and open space requirements summarized in the preceding paragraphs (see Exhibit I).

Impacts to Nonconforming Uses

Several uses in the Plan area will become nonconforming should staff's recommendations be adopted. Specifically, the properties shown in Exhibit J would become nonconforming should recommended amendments to the Zoning Ordinance be adopted. Most of the uses that would be rendered nonconforming in the Plan area are obsolete commercial uses that would be located in a residential zoning district. Also, commercial uses would become nonconforming in areas where mixed use is envisioned. The Zoning Ordinance contains provisions related to nonconforming uses "in order to permit the continued operation of such uses while guarding against such uses becoming a threat to more appropriate development." Such provisions generally allow for reasonable repairs and alterations to legal nonconforming non-residential structures, provided no structural alterations are made that would prolong the life of supporting members of such structures. The Zoning Ordinance text also indicates that a legal nonconforming use that is discontinued for a period of six or more consecutive months cannot be reestablished.

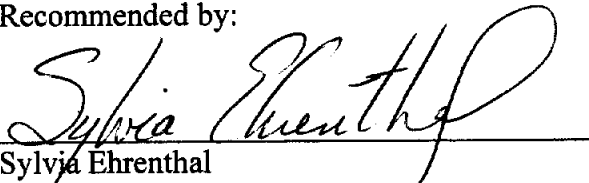
The SD-6 Special Design District provisions, which incorporate the design guidelines of the Concept Design Plan, would require that new development in the Plan area comply with such guidelines, including those related to setbacks, building design, etc.

Prepared by:



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Recommended by:



Sylvia Ehrental

Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments:

- Exhibit A. Staff Recommended Land Use Plan (dated May 22, 2006)
- Exhibit B. General Plan Changes Map
- Exhibit C. General Plan Changes Incorporated Map
- Exhibit D. Zoning Changes Map
- Exhibit E. Zoning Changes Incorporated Map
- Exhibit F. New Station Area Residential Zoning District Text
- Exhibit G. New Mission Boulevard Residential Zoning District Text
- Exhibit H. Revisions to Neighborhood Commercial-Residential Zoning District Text
- Exhibit I. New SD-6 Special Design District Text
- Exhibit J. Nonconforming Uses Map

Draft South Hayward BART/Mission Boulevard Concept Plan (January 12, 2006)
Draft Program Environmental Impact Report (April, 2006)

6/2/06

**DUE TO THE SIZE AND
COLOR OF EXHIBITS A – E,
THEY HAVE BEEN
ATTACHED AS SEPARATE
LINKS**

SEC. 10-1.XXX STATION AREA RESIDENTIAL DISTRICT (SAR)

Sections:

Section 10-1.XXX Purpose.

Section 10-1.XXX Subdistricts.

Section 10-1.XXX Uses Permitted.

Section 10-1.XXX Conditionally Permitted Uses.

Section 10-1.XXX Lot Requirements.

Section 10-1.XXX Yard Requirements.

Section 10-1.XXX Height Limit.

Section 10-1.XXX Site Plan Review Required.

Section 10-1.XXX Minimum Design and Performance Standards.

SEC. 10-1.XXX PURPOSE.

The SAR District requires the development of multiple-family dwellings at high densities, along with neighborhood serving businesses and public facilities in proximity to the South Hayward BART Station, in order to provide opportunities for transit-oriented development with ready access to shops and transit.

SEC. 10-1.XXX SUBDISTRICTS.

SD6 (See Section 10-1.2600).

SEC. 10-1.XXX USES PERMITTED.

Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the SAR District as primary uses only on the ground floor of buildings:

(1) Administrative and Professional Offices/Services.

- (a) Banks and financial institutions.
- (b) Chiropractic or acupuncture office.
- (c) Medical and dental offices.

(2) Automobile Related Uses.

Parking structure.

(Can also be above ground floor, integrated into the design of buildings in accordance with SD6 Special Design District provisions.)

(3) Personal Services.

- (a) Barber or beauty shop.

- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Nail salon.
- (f) Physical fitness studio.
- (g) Shoe repair shop.
- (h) Tailor/seamstress shop.

(4) Residential Uses.

Multi-family dwelling units.

(Allowed on portions of ground-floor and required above ground-floor at 75.0 to 100.0 units per net acre.)

(5) Retail Commercial Uses.

- (a) Bakery.
- (b) Bookstore.
- (c) Camera store.
- (d) Card shop.
- (e) Coffee/espresso shop.
- (f) Delicatessen.
- (g) Floral shop.
- (h) Gift shop.
- (i) Jewelry store.
- (j) Music store.
- (k) Pet grooming shop.
- (l) Restaurant.
- (m) Stationary store.
- (n) Variety store.
- (o) Video sales and rental store.

(Without a bar.)

(6) Service Commercial Uses.

- (a) Mailing or facsimile service.

(7) Other Uses.

None.

- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the SAR District:

- (1) Home Occupation. (See definitions)
- (2) Household pets.

SEC. 10-1.XXX CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the SAR District, subject to the approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.
Medical/Dental laboratory.

(2) Automobile Related Uses.
None.

(3) Personal Services.
None.

(4) Residential Uses.
None.

(5) Retail Commercial Uses.
None.

(6) Service Commercial Uses.
Restaurants. (With a bar.)

(7) Other Uses.
(a) Cultural facility.
(b) Day Care Center. (Less than 24-hour care for children, 15 or more, excluding staff. See definitions.)
(c) Educational facility. (Small, generally less than 2,000 sq. ft.)
(d) Public agency facilities.
(e) Recreational facility.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the SAR District subject to approval of a conditional use permit:

(1) Administrative and Professional Offices/Services.
None.

(2) Automobile Related Uses.
None.

(3) Personal Services.
None.

(4) Residential Uses.
None.

- (5) Retail Commercial Uses.
None.
- (6) Service Commercial Uses.
None.
- (7) Other Uses.
None.

SEC. 10-1.XXX LOT/DENSITY REQUIREMENTS.

- a. Minimum Lot Size: 40,000 square feet.
- b. Required Density Range: 75.0 to 100.0 units per net acre.
- c. Minimum Lot Frontage: 200 feet.
- d. Minimum Average Lot Width: 200 feet.
- e. Maximum Lot Coverage: 90 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.XXX SETBACK REQUIREMENTS.

- a. Minimum Setbacks along Public Streets/Areas: 20 feet along Dixon Street, 25 feet adjacent to bus transfer facility at the South Hayward BART Station, 10 feet (for ground-floor non-residential) or 16 feet (ground-floor residential) adjacent to Mission Boulevard, in accordance with the SD6 Special Design District provisions.
- b. Minimum Setbacks for Other Areas: 10 feet, or in accordance with the SD6 Special Design District provisions.
- c. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.XXX HEIGHT LIMIT.

- a. Maximum Building Height: 80 feet.

- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Setback 4 feet.
 - (2) Side and Rear Setback 6 feet.
(Also see Section 10-1.845k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.XXX SITE PLAN REVIEW REQUIRED.

Site plan review approval is required before issuance of any building or construction permit.

SEC. 10-1.XXX MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial and residential structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This section establishes design and performance standards that shall apply to the construction of buildings and uses in the SAR District.

Mixed-use development, which entails residential uses over ground-floor non-residential uses, shall be subject to the criteria and standards contained in the SD6 Special Design District (10-1.2600), the RH District (Section 10-1.500) for residential uses, the CN District (Section 10-1.800) for non-residential uses and the following requirements:

- (1) No more than 50% of the gross floor area of the ground floor and no more than 50% of the building frontage of ground-floor uses along Dixon Street, the South Hayward BART Station bus transfer area and Mission Boulevard shall be comprised of residential units.

Parking Ratios.

- (2) Residential units are allowed a maximum of 1.0 off-street parking space per studio or one-bedroom unit and a maximum of 1.3 spaces for units with two or more bedrooms.
Non-residential uses are required to provide a minimum 1.0 space for each 315 square feet of non-residential gross floor area.

Open Space and Amenities.

- (3) (a) A minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided for each unit.

- (b) All developments shall provide a minimum twenty percent (20%) of the lot area as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.
- (c) All common opens space associated with developments shall have, at a minimum, a landscaped area of one-thousand (1,000) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.

SEC. 10-1.XXX MISSION BOULEVARD RESIDENTIAL DISTRICT (MBR)

Sections:

Section 10-1.XXX Purpose.

Section 10-1.XXX Subdistricts.

Section 10-1.XXX Uses Permitted.

Section 10-1.XXX Conditionally Permitted Uses.

Section 10-1.XXX Lot Requirements.

Section 10-1.XXX Yard Requirements.

Section 10-1.XXX Height Limit.

Section 10-1.XXX Site Plan Review Required.

Section 10-1.XXX Minimum Design and Performance Standards.

SEC. 10-1.XXX PURPOSE.

The MBR District encourages the development of multiple-family dwellings at high densities along Mission Boulevard, in order to provide opportunities for higher density housing near a major transit corridor.

SEC. 10-1.XXX SUBDISTRICTS.

SD6 (See Section 10-1.2600).

SEC. 10-1.XXX USES PERMITTED.

Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the MBR District as primary uses:

- (1) Residential Uses.
Multiple-family dwelling units. (at 34.8 to 55.0 units per net acre.)
- (2) Other Uses.
None.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the SAR District:

- (1) Home Occupation. (See definitions)
- (2) Household pets.

SEC. 10-1.XXX CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the MBR District, subject to the approval of an administrative use permit:

- (1) **Administrative and Professional Offices/Services.**
None.

- (2) **Other Uses.**

(a) Cultural facility.

(b) Day Care Center.

(Less than 24-hour care for children, 15 or more, excluding staff. See definitions.)

(c) Educational facility.

(Small, generally less than 2,000 sq. ft.)

(d) Public agency facilities.

(e) Recreational facility.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the SAR District subject to approval of a conditional use permit:

None.

SEC. 10-1.XXX LOT/DENSITY REQUIREMENTS.

- | | |
|---|--|
| a. Minimum Lot Size: | 20,000 square feet. |
| b. Required Density Range: | 34.8 to 55..0 units per net acre. |
| c. Minimum Lot Frontage: | 100 feet. |
| d. Minimum Average Lot Width: | 100 feet. |
| e. Maximum Lot Coverage: | 90 percent. |
| f. Minimum Lot Depth: | 80 feet. |
| g. Special Lot Requirements and Exceptions: | See General Regulations Section 10-1.2720. |

SEC. 10-1.XXX SETBACK REQUIREMENTS.

- | | |
|---|--|
| a. Minimum Setbacks along Public Streets: | 44 feet adjacent to Mission Boulevard, which includes local access lane, in accordance with the SD6 Special Design District provisions; 20 feet adjacent to other existing public streets. |
|---|--|

- b. Minimum Setbacks for Other Areas: 10 feet, or in accordance with the SD6 Special Design District provisions.
- c. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.XXX HEIGHT LIMIT.

- a. Maximum Building Height: 55 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Setback 4 feet.
 - (2) Side and Rear Setback 6 feet.
(Also see Section 10-1.845k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.XXX SITE PLAN REVIEW REQUIRED.

Site plan review approval is required before issuance of any building or construction permit.

SEC. 10-1.XXX MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This section establishes design and performance standards that shall apply to the construction of multi-family dwellings and accessory buildings and uses allowed in the MBR District.

Refer to the criteria and standards contained in the SD6 Special Design District (10-1.2600) and the RH District (Section 10-1.500), and the following requirements:

Parking Ratios.

- (1) Residential units are allowed a maximum of 1.3 off-street parking space per studio or one-bedroom unit and a maximum of 1.5 spaces for units with two or more bedrooms

Open Space and Amenities.

- (3) (a) A minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided for each unit.
- (b) All developments shall provide a minimum fifteen percent (15%) of the lot area as usable common open space for passive and active recreational uses. Usable open space

areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.

- (c) All common opens space associated with developments shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.

**SEC. 10-1.900 NEIGHBORHOOD COMMERCIAL-RESIDENTIAL
DISTRICT (CN-R)**

Sections:

Section 10-1.905 Purpose.

Section 10-1.910 Subdistricts.

Section 10-1.915 Uses Permitted.

Section 10-1.920 Conditionally Permitted Uses.

Section 10-1.925 Lot Requirements.

Section 10-1.930 Yard Requirements.

Section 10-1.935 Height Limit.

Section 10-1.940 Site Plan Review Required.

Section 10-1.945 Minimum Design and Performance Standards.

SEC. 10-1.905 PURPOSE.

The CN-R District includes a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide housing with ready access to shops and transit. The CN-R District encourages joint development of lots along arterials in order to minimize curb cuts and maximize architectural continuity. The CN-R District adjusts parking and open space requirements to reflect the characteristics of mixed-use development along arterials.

SEC. 10-1.910 SUBDISTRICTS.

SD1, SD2 and SD6 (See Section 10-1.2600).

SEC. 10-1.915 USES PERMITTED.

Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN-R District as primary uses:

- (1) Administrative and Professional Offices/Services.
 - (a) Accounting and financial offices. (Excluding check cashing store.)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic or acupuncture office.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.

(2) Automobile Related Uses.

None.

(3) Personal Services.

- (a) Barber or beauty shop.
- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Music studio.
- (f) Nail salon.
- (g) Palm reading service.
- (h) Photography studio.
- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.

(4) Residential Uses.

Residential dwelling unit(s).

(Above first floor commercial uses only;
required at 34.8 to 55.0 units per net acre
above ground-floor commercial uses in the
SD6 Special Design District.)

(5) Retail Commercial Uses.

- (a) Antique store.
- (b) Appliance store.
- (c) Art and art supplies store.
- (d) Bakery.
- (e) Bicycle shop.
- (f) Bookstore.
- (g) Camera store.
- (h) Card shop.
- (i) Carpet/drapery store.
- (j) Clothing store.
- (k) Coffee/espresso shop.
- (l) Delicatessen.
- (m) Fabric store.
- (n) Floral shop.
- (o) Furniture store.
- (p) Garden supplies store.
- (q) Gift shop.
- (r) Hardware store.
- (s) Jewelry store.
- (t) Locksmith shop.
- (u) Music store.
- (v) Nursery (plant).

- (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store.
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater (Small Motion Picture or Live Performance only.)
 - (ff) Thrift store.
 - (gg) Toy store.
 - (hh) Variety store.
 - (ii) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)
- (7) Other Uses.
- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - (b) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735d. for standards)
 - (c) Day Care Center. (Less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (d) Educational facility. (Small, generally less than 2,000 sq. ft. design to augment the education)
 - (e) Public agency facilities.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN-R District:
- (1) Accessory buildings and uses. (See Section 10.1.845a.-d.)
 - (2) Garage sales. (4 per year per dwelling. See Section 10-1.2735e.)
 - (3) Home Occupation. (See definitions)
 - (4) Household pets.

SEC. 10-1.920 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District, subject to the approval of an administrative use permit:

- (1) **Administrative and Professional Offices/Services.**
Medical/Dental laboratory.
- (2) **Automobile Related Uses.**
Parking lot.
- (3) **Personal Services.**
Massage parlor. (When located within an established beauty or tanning salon)
- (4) **Residential Uses.**
Multiple-family dwellings with ground level units. (Not allowed in the SD6 Special Design District.)
- (5) **Retail Commercial Uses.**
None.
- (6) **Service Commercial Uses.**
Restaurants. (When abutting residential district or use or containing a bar.)
- (7) **Other Uses.**
 - (a) Animal grooming service.
 - (b) Animal hospital.
 - (c) Convalescent hospital.
 - (d) Cultural facility.
 - (e) Educational facility.
 - (f) Home occupation - expanded.
 - (g) Recreational facility.
 - (h) Religious facility.
 - (i) Temporary use.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District subject to approval of a conditional use permit:

- (1) **Administrative and Professional Offices/Services.**
 - (a) Check cashing store.
 - (b) Payday loan facilities.

- (2) Automobile Related Uses.
None.
- (3) Personal Services.
Massage parlor. (When not located within an established beauty or tanning salon)
Tattoo parlor.
- (4) Residential Uses.
None.
- (5) Retail Commercial Uses.
(a) Bar, Cocktail lounge. (See General Regulations Sections 10-1.2735b. for regulations of alcohol.)
(b) Dance or night club.
(c) Liquor store.
(d) Theater, Large Motion Picture (See Section 10-1.1045 for special requirements; not allowed in the SD6 Special Design District.)
- (6) Service Commercial Uses.
None.
- (7) Other Uses.
None.

SEC. 10-1.925 LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
(20,000 square feet in the SD6 Special Design District.)
- b. Minimum Lot Area per Dwelling Unit:
 - (1) Lots with less than 80 feet of frontage and/or less than 20,000 square feet in area shall require a minimum of 2,500 square feet of lot area per dwelling unit.
 - (2) Lots with more than 80 feet of frontage and more than 20,000 square feet in area shall be allowed a minimum of 1,743 square feet of lot area per dwelling.
- c. Minimum Lot Frontage: 100 feet.
- d. Minimum Average Lot Width: 100 feet.
- e. Maximum Lot Coverage: 90 percent.
- f. Minimum Lot Depth: 80 feet.

- g. Special Lot Requirements and Exceptions: See General Regulations Section 10-1.2720.

SEC. 10-1.930 YARD REQUIREMENTS.

- a. Minimum Front Yard: 10 feet.
- b. Minimum Side Yard: None, except where entrances or windows face the side lot line, 10 feet shall be required.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See General Regulations Section 10-1.2725.

SEC. 10-1.935 HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet.
(60 feet in the SD6 Special Design District.)
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
- (1) Front and Side Street Yard 4 feet.
 - (2) Side and Rear Yard 6 feet.
(Also see Section 10-1.845k. for additional standards).
- d. Special Height Requirements and Exceptions: See General Regulations Section 10-1.2730.

SEC. 10-1.940 SITE PLAN REVIEW REQUIRED.

Site plan review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

SEC. 10-1.945 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial and residential structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This Section establishes design and performance standards

that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN-R District, including but not limited to cultural, educational, religious or recreational facilities.

Multiple-family dwelling.

For multiple-family dwellings, refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Plan and associated Neighborhood Plan.

Non-Residential Uses.

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

All non-residential uses are subject to the following requirements; provided, however, that exceptions from these requirements may be authorized by approval of a conditional use permit:

- (1) Offices shall be no larger than 2,000 square feet and no more than 2,000 square feet of office space may be contained in any building or group of buildings on a parcel or building site.
- (2) Operating hours shall not begin before 7:00 a.m. nor end after 10:00 p.m.

Mixed-Use Development.

Mixed-use development, which entails residential uses over ground-floor non-residential uses, shall be subject to the following requirements:

- (3) Shall provide separate entrances, isolation of noise and smell generating activities, and other compatibility features shall be addressed.
- (4) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall be avoided.
- (5) A minimum of 150 square feet of usable open space per residential dwelling unit shall be provided.
In the SD6 Special Design District:
 - (a) A minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck balcony or a combination of the above, shall be provided for each unit.
 - (b) All developments shall provide a minimum fifteen percent (15%) of the lot area as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas

adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.

- (c) All common opens space associated with developments shall have, at a minimum, a landscaped area of six hundred (600) square feet complete with two (2) benches.

Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and shall be approved by the reviewing authority.

- (6) Studio apartments shall be required to have only one covered off-street parking space per dwelling unit.

In the SD6 Special Design District, residential units are allowed a maximum of 1.5 spaces per studio or one-bedroom unit and 2.0 spaces for units with two or more bedrooms; non-residential uses are required to provide 1.0 space for each 315 square feet of non-residential gross floor area.

- (7) For properties located along Mission Boulevard between Harder Road and Industrial Parkway, compliance with provisions in the SD6 Special Design District.

**SEC. 10-1.2635 SOUTH HAYWARD BART/MISSION BOULEVARD
SPECIAL DESIGN DISTRICT (SD-6).**

The South Hayward BART/Mission Boulevard Special Design District includes the area encompassed in the South Hayward BART/Mission Boulevard Concept Design Plan. Consistent with the General Plan, the purpose of the South Hayward BART/Mission Boulevard Special Design District (SD-6) is to implement policies embodied in the South Hayward BART/Mission Boulevard Concept Design Plan. The Concept Design Plan envisions development of high density transit-oriented development along the Mission Boulevard transit corridor generally between Harder Road and Industrial Parkway, and a transit village with high density residential development with a variety of neighborhood-serving retail and public uses in proximity to the South Hayward BART Station. The following design requirements shall apply to the South Hayward BART/Mission Boulevard Special Design District (SD-6)

a. **Design Theme.**

The overall layout and design of development proposed within this district shall be consistent with Chapters 3 through 5 of the South Hayward BART/Mission Boulevard Concept Design Plan.

b. **Development Densities.**

Densities of new development shall be consistent with the applicable General Plan designations and shall further conform to the densities specified in Chapter 3 of the South Hayward BART/Mission Boulevard Concept Design Plan.

c. **Building Setbacks.**

The required minimum building setbacks for new ground-floor, commercial development along Mission Boulevard shall be 10 feet, or 16 feet for ground-floor residential development. For development on properties where an access lane is indicated in the Concept Design Plan, an additional minimum 28 foot setback is required to accommodate diagonal parking and the access lane.

The required minimum setback for new development along Dixon Street shall be 20 feet.

The required minimum setback for new development along the bus transfer area by the South Hayward BART Station shall be 25 feet.

For new buildings of four or more stories that abut existing one or two story residential uses or abut residential zoning districts that allow up to three stories of residential development, a minimum 10 foot landscaped area abutting such residential uses or zones is required.

Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend into the required front yard, in accordance with the Concept Design Plan.

d. **Parking**

Parking standards shall be in accordance with the Off-Street Parking Regulations, including

the following:

SAR Zoning District:

- 1.0 space maximum per studio or one-bedroom unit
- 1.3 spaces maximum per dwelling units with two or more bedrooms
- 1.0 space for each 315 square feet of non-residential gross floor area

MBR Zoning District:

- 1.3 spaces maximum per studio or one-bedroom unit
- 1.5 spaces maximum per dwelling units with two or more bedrooms

CN-R Zoning District (between Harder Road and Industrial Parkway):

- 1.5 spaces maximum per studio or one-bedroom unit
- 2.0 spaces maximum per dwelling units with two or more bedrooms
- 1.0 space for each 315 square feet of non-residential gross floor area

e. **Parks and Open Space.**

Parks and other open space proposed within new developments shall be consistent with the South Hayward BART/Mission Boulevard Concept Design Plan.

A minimum of one hundred (100) square feet of usable private open space, consisting of a private yard, patio, porch, deck, balcony or a combination of the above, shall be provided for each unit.

All developments in the Station Area Residential (SAR), Mission Boulevard Residential (MBR) and Neighborhood Commercial-Residential (CN-R) Zoning Districts shall provide a minimum twenty percent (20%) (for SAR) or fifteen percent (15%) (for MBR and CN-R) of the lot area as usable common open space for passive and active recreational uses. Usable open space areas shall not include public or private rights-of-way; vehicular parking area; areas adjacent to or between structures less than fifteen (15) feet apart; required building setback areas; private patios or yards; or areas having a slope greater than 3:1. Usable open space can include roof decks (including roof deck above structured or podium parking) on interior group open space accessible to all residents in the development.

All common open space associated with developments in the Station Area Residential (SAR), Mission Boulevard Residential (MBR) and Neighborhood Commercial-Residential (CN-R) Zoning Districts shall have, at a minimum, a landscaped area of one-thousand (1,000) square feet (for SAR) or six hundred (600) square feet (for MBR and CN-R) complete with two (2) benches. Additional amenities may include, but are not limited to, a swimming pool, spa, tot lot with play equipment, picnic shelter with barbecue area, court game facilities and indoor exercise facilities. The types of amenities shall be dependent upon the nature of development and be approved by the reviewing authority.

f. **Circulation Improvements**

Circulation improvements, including provision of trails, within the district shall be consistent with Chapter 5 of the Mission Boulevard Concept Design Plan.

**DUE TO THE SIZE AND
COLOR OF EXHIBIT J, IT
HAS BEEN ATTACHED AS A
SEPARATE LINK**